

FILED

UNITED STATES COURT OF APPEALS

OCT 31 2006

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

In re: GRAND JURY SUBPOENA,
DATED July 19, 2006.

GREG FRANCIS ANDERSON,

Witness - Appellant,

v.

UNITED STATES OF AMERICA,

Appellee.

No. 06-16572

D.C. No. CR-06-90292-WHA
Northern District of California,
San Francisco

ORDER

Before: REINHARDT, O'SCANNLAIN and GRABER, Circuit Judges.

The court has received and reviewed the parties' memoranda filed in response to this court's October 16, 2006 order. Appellee's motion to file its October 23, 2006 memorandum under seal is granted.

Appellee shall file a response to contention number one in appellant's memorandum within 7 days of the filing date of this order. The response shall address the question whether the entire grand jury proceeding was tainted because the Paragraph 8 recording was presented to the grand jury. The response shall be

06-16572

no longer than 12 pages and shall comply with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5), and may be filed under seal.